



THE SECRETARY FOR HEALTH SERVICES  
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PAUL E. PATTON  
GOVERNOR

MARCIA R. MORGAN  
SECRETARY

**ADMINISTRATIVE ORDER**

CHS 02-02

April 15, 2002

WHEREAS, the Supreme Court of the United States ruled in a 1999 decision, Olmstead, et al. v. L.C., 527 U.S. 581, 119 S.Ct. 2176 (1999), that under Title II of the Americans with Disabilities Act of 1990 (ADA), the public services portion of the ADA, States are required under certain circumstances to provide community-based rather than institutional care, treatment, and services for person with mental disabilities; and

WHEREAS, the Supreme Court explained in the Olmstead decision that a State may meet its obligation under the ADA by having a comprehensive, effectively working plan for placing qualified persons with mental disabilities in less restrictive settings; and

WHEREAS, the Secretary of Health and Human Services has urged the Governor of Kentucky to develop and implement such a plan; and

WHEREAS, the Department of Health and Human Services' Centers for Medicare and Medicaid Services has recommended to State Medicaid Directors that states make effective use of Medicaid support in such development and implementation; and



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WHEREAS, the Office for Civil Rights of the Department of Health and Human Services has conducted a compliance review which is ongoing with the Cabinet's Department for Mental Health and Mental Retardation Services to determine whether the Department is transitioning persons residing in public psychiatric hospitals into the most integrated setting appropriate to their needs under the Olmstead decision; and

WHEREAS, the Office for Civil Rights of the Department for Health and Human Services has advised that a compliance review will also be scheduled with the Cabinet's Department for Medicaid Services to determine whether the department is complying with the most integrated services requirement of the ADA and section 504 of the Rehabilitation Act of 1973 in the provision of services appropriate to individual needs; and

WHEREAS, an Executive Steering Committee was established by Administrative Order CHS 00-05 in April 2000, to address the Olmstead implementation issues as illustrated herein, and practical experience demonstrates that the Cabinet needs additional expertise as it works to develop a comprehensive, effective working plan to provide services and supports to individuals with disabilities in more integrated, community-based settings; and

WHEREAS, the Department for Medicaid Services was reorganized to create a Division for Mental Health and Mental Retardation and which was ratified by the 2002 General Assembly in its regular session;

Now, Therefore, I, Marcia R. Morgan, Secretary of the Cabinet of Health Services, pursuant to authority vested in me by KRS 194A.025, and in accordance with the functions of the Cabinet established in KRS 194A.010, do hereby reaffirm Administrative Order CHS 00-05, April 10, 2000, and further order and direct the following composition of that executive steering group consisting of the following Cabinet officials designated and appointed hereby, which group shall continue to coordinate the



development and implementation of a comprehensive, effectively working plan in compliance with the requirements for the Olmstead decision and the recommendations of the U.S. Department of Health and Human Services regarding such a plan, and shall periodically report to me as to the status of those efforts:

Deputy Secretary, Chair, or representative;

General Counsel, or designee;

Commissioner, Department for Medicaid Services;

Commissioner, Department for Mental Health and Mental Retardation Services;

Commissioner, Department for Public Health;

Executive Director, Office of Aging Services;

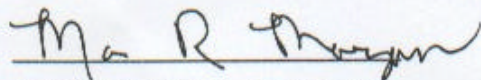
Inspector General;

Executive Director, Commission for Children with Special Health Care Needs;

Division Director Mental Health and Mental Retardation, Department for Medicaid Services; and

Division Director for Mental Retardation, Department for Mental Health and Mental Retardation Services.

Effective this 15<sup>th</sup> day of April, 2002.

A handwritten signature in dark ink, appearing to read "Marcia R. Morgan", written over a horizontal line.

Marcia R. Morgan, Secretary